

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM NESMITH

v.

COMMON PLEAS COURT OF
PHILADELPHIA COUNTY, et al.


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CIVIL ACTION

NO. 09-4356

ORDER

AND NOW, this 13th day of January, 2010, upon
consideration of the Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254,
and respondent's opposition thereto, and after review of the Report and Recommendation of
United States Magistrate Judge L. Felipe Restrepo, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED and ~~DISMISSED~~; 
3. A certificate of appealability shall not issue since, for the reasons set forth in the Report and Recommendation, a reasonable jurist could not conclude that the Court would be incorrect in denying and dismissing the § 2254 petition.

BY THE COURT:



JOHN P. FULLAM, J.